

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DAVID ADAMS #462766,

Plaintiff,

v.

JAY POUPARD et al.,

Defendants.

Case No. 2:23-cv-47

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on November 22, 2024 (ECF No. 39). The Report and Recommendation was duly served on the parties. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 39) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that all of Plaintiff's Eighth Amendment claims related to contaminated food are DISMISSED. Plaintiff's First Amendment Retaliation claims against Defendants Watt and Gagnon are DISMISSED. Plaintiff's sur-reply to the motion for summary judgment (ECF No. 36) is STRICKEN. Plaintiff's First Amendment Retaliation claim against Defendant Sullivan remains.

The Court discerns no good-faith basis for appeal of this matter. *See McGore v. Wigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997); 28 U.S.C. § 1915(a)(3).

Dated: December 16, 2024

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE